

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

BRIAN KEITH ALFORD,

Plaintiff,

v.

ROBERT ZILLES, *et al.*,

Defendants.

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Case No. 3:21-cv-01123

Judge James G. Carr

Magistrate Judge Darrell A. Clay

**DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO FILE SUMMARY JUDGMENT**

Now come the Defendants, Candy Babb, Anitra Barker, Derek Burkhart, and Dr. Dela Cruz, by and through counsel, and respectfully request that they be given an additional thirty (30) days after the court rules on Plaintiff's Requests for extensions of time (Doc. 58 and Doc. 59) in which to file their motion for summary judgment. Specifically, Defendants request that if Plaintiff receives an additional sixty (60) days to procure an expert witness, then the scheduling order as set for in the Minute Order (12/16/2024) be modified to allow an additional thirty (30) days after the date that Plaintiff's time to procure an expert has expired to file their motion for summary judgment. This would make their motion for summary judgment due approximately on or before May 5, 2025.

As this court is aware, Plaintiff has multiple cases currently pending in the federal and state courts. Counsel for the Defendants is assigned as lead counsel on both the instant case and *Alford v. Pressley*, Case No. 2:24-cv-34 (SDOH). Further, she was second chair on *Alford v. Mohr, et al.*, Case No. 24-3694 (6th Cir.) and is a named Defendant in a fourth matter that is pending. When she calendared the due dates for the dispositive motions in this matter, she

inadvertently failed to appropriately calendar the date. The error was caught when the undersigned prepared her responses to Plaintiff's request for an extension of time (Doc. 58 and Doc. 59). Defendants assert that Plaintiff will suffer no prejudice if the dispositive motions due date is extended.

Due to Plaintiff's incarcerated status, the undersigned sought, but was unsuccessful in having Plaintiff brought to the phone today to discuss his position on the requested extension.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

s/Marcy A. Vonderwell
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of *Defendants' Motion for Extension of Time to File Summary Judgment* has been electronically filed this 10th day of February 2025, and it has been served upon Plaintiff via U.S. mail, postage prepaid at the address below:

Brian Keith Alford, #A196-744
Ross Correctional Institution
PO Box 7010
Chillicothe, OH 45601

s/ Marcy A. Vonderwell
MARCY A. VONDERWELL (078311)
Senior Assistant Attorney General